

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 546 OF 2015

Govind Raghunath Kokate & Ors.	... Applicants
Vs.	
The State of Maharashtra	... Respondent

Mr. Sandeep Shinde i/b, Ms. K.N. Hingol, Advocate for the applicants.
Mr. D.P. Adsule, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **28th April, 2015**

P.C.:

The application is for pre-arrest bail as the applicants/accused are facing charges under sections 354, 452, 323, 504, 506, 427 r/w 34 of the Indian Penal Code. The offence is registered at the instance of one Kantabai B. Kokate, who is related to the applicants/accused. There was property dispute between the applicants/accused and their cousin Balasaheb, who is the husband of the complainant. They are litigating the Courts and it is the case of the prosecution that on 10.3.2015 that at 9 am, the applicants/accused entered the house of the complainant, pulled her out and assaulted and outraged her modesty and also threatened that she should withdraw the suit and other matters which were filed against the applicants/accused, otherwise, they would kill her.

2. Heard the learned counsel for the applicant and learned APP. Learned APP opposed the Application.

3. Perused the FIR. It appears that the accused persons have filed suit for partition against the complainant and her husband, so also they have filed contempt proceedings against the complainant and it appears that thereafter this complaint was lodged. On query, learned APP, on instructions, has submitted that the statement of the complainant is recorded and she has stated that neither she nor her husband have filed any civil proceedings in the Court. In view of this, on perusal of the complaint, there is inconsistency that the proceedings are filed by the accused persons against the complainant, I am inclined to grant pre-arrest bail to the applicant/accused on the following terms and conditions:

ORDER

- i) In the event of arrest, the applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- ii) The applicant shall not tamper with the evidence;
- iii) The applicant shall not indulge into any criminal activity;
- iv) The applicant shall cooperate with the Investigating Officer and attend the concerned police station on every Saturday between 4 pm to 6 pm till the filing of the charge sheet.

(MRS.MRIDULA BHATKAR, J.)